

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:23-CV-915 RLW
)
)
NINETEEN THOUSAND, EIGHT HUNDRED)
THIRTY-ONE (\$19,831.00) DOLLARS IN)
U.S. CURRENCY, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on the United States of America's Motion for Default Judgment. (ECF No. 16). On July 19, 2023, the United States filed a Verified Complaint for Forfeiture In Rem ("Complaint"). The Complaint alleges that the defendant property is subject to forfeiture as unlawful possession of a firearm and being proceeds of drug trafficking. See 18 U.S.C. § 924(d) and 21 U.S.C. § 881(a)(6).

The United States alleges in the Complaint that Shane McDermott ("McDermott") was federally indicted in the Eastern District of Missouri on January 21, 2021, on one count of being a felon in possession of a firearm in violation of Title 18, United States Code, Section 922(g). When officers arrived at his residence to execute the arrest warrant, they discovered \$2,000 U.S. currency (a portion of the defendant currency) and Percocet pills on his person. McDermott later admitted to investigators that he sells the pills. The officers also discovered more U.S. currency (the remaining defendant currency), drug paraphernalia, and additional firearms (defendant property).

Subsequent to the filing of the Complaint, between July 24, 2023 and August 14, 2023, the United States Marshal for this District and the Federal Bureau of Investigation served warrants on the defendant property on all known potential claimants. (ECF Nos. 2-12). None of the known potential claimants filed claims to the defendant property. The United States also published notice on an official government website (www.forfeiture.gov) for at least 30 consecutive days, beginning July 21, 2023. (ECF No. 13). Pursuant to the posted Notice of Civil Forfeiture, any person interested in the defendant property was required to file their claims with the Clerk of the Court within sixty (60) days from the first day of publication, or within thirty-five (35) days of actual notice of this action, whichever occurred first. (*Id.*). No one filed a claim.

On the Government's motion, the Clerk entered default against the defendant property on September 25, 2023. (ECF No. 15., 2023). On September 27, 2023, the United States filed the instant motion seeking that the Court enter default judgment.

A default judgment in a civil forfeiture action is appropriate where, as here, the Government has shown that there was reasonable cause for seizure of the defendant property, it has complied with the notice requirements in Supplement Rule G(4), and no party files a timely, valid claim. See United States v. \$284,950.00 in U.S. Currency, 933 F.3d 971, 975 (8th Cir. 2019) (affirming the district court's striking claimant's claim and the entry of default judgment); United States v. Beechcraft Queen Airplane, 789 F.2d 627, 630 (8th Cir. 1986) (holding that courts should require "strict compliance" with the filing requirements of the Supplemental Rules, and entering default judgment where third party filed an answer but not a claim); United States v. U.S. Currency in amount of \$13,000.00, No. 12-00811-CV-C-NKL, 2012 WL 5422316, at *1

(W.D. Mo. Nov. 6, 2012) (stating “it is within the discretion of the Court to enter a default judgment against a party who has failed to plea or defend” when no third party filed a claim within the proscribed time).

Accordingly,

IT IS HEREBY ORDERED that the United States of America’s Motion for Default Judgment is **GRANTED**. (ECF No. 16).

IT IS FURTHER ORDERED that a judgment of default is entered against the defendant property, and all persons claiming any right, title, or interest in or to the defendant property are held in default.

IT IS FURTHER ORDERED that the defendant property is forfeited to the United States of America to be disposed of according to law.

A separate Default Judgment of Forfeiture shall accompany this Memorandum and Order.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 4th day of December, 2023.